

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Sandy Waggoner, CMA

)

) **FINAL ORDER OF REVOCATION**

) **BY DEFAULT**

)

)

**Certificate No. 000031476CNA,
200120159CMA**

) **Reference No. 13-02166**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Medication Aides. Sandy Waggoner (Certificate Holder) was issued a nursing assistant and medication aide certificates by the Board on December 13, 2001.

This matter was considered by the Board at its meeting on January 15, 2014.

On December 5, 2013, a Notice stating that the Board intended to revoke the Nursing Assistant And Medication Aide Certificates of Sandy Waggoner was sent to her via certified and first-class mail to her address of record. The Notice alleged that Certificate Holder used medications that were prescribed to another person and failed to cooperate with the Board during the course of the investigation.

The Notice granted Certificate Holder an opportunity for hearing if requested within twenty (20) days of the mailing of the Notice. No such request for hearing has been received by the Board. The Notice designated the Board's file on this matter as the record for purposes of default.

NOW THEREFORE, after consideration of its records and files related to this matter, the Board enters the following Order:

-I-

FINDINGS OF FACT

Based on the evidence submitted through the Notice and the agency file in this case, the Board finds the following:

1. Certificate Holder was issued a Nursing Assistant And Medication Aide Certificates in the state of Oregon on December 13, 2001.
2. On or about June 3 2013, the Board received a complaint that Certificate Holder, while working as a CMA for a skilled nursing facility, failed to properly administer and document narcotics. Certificate Holder reportedly failed to appropriately document

wasted narcotics and failed to appropriately document narcotics administered. As a result, several medications were unaccounted for. When questioned by her managers, Certificate Holder reportedly told them that she had accidentally “popped pills” from the bubble packs and then had to waste them. She further explained that she was too busy to make sure her wasted medications were witnessed and cosigned.

3. Certificate Holder provided a "for cause" urine drug screen (UDS), which was positive for Benzodiazepines, Morphine and Methadone. Following the results, Certificate Holder was terminated from employment. Certificate Holder denied diverting medication and explained that her UDS was positive because she had taken her mother's pills.
4. Certificate Holder obtained a chemical dependency evaluation on September 3, 2013. She was assigned a diagnosis of Opioid Abuse. She disclosed to the evaluator that she had used narcotics that were not prescribed to her twice in the past year. The evaluator recommended 13 weeks of treatment. The evaluator mentioned that he thought Certificate Holder had minimized her Opioid use. Certificate Holder failed to return after her initial visit and has not made contact with the treatment provider since that time. Board staff attempted to call Certificate Holder at her telephone number of record and left several messages that she has not responded to.
5. On December 5, 2013, Board staff mailed a Notice of Proposed Revocation to Certificate Holder via first-class and certified mail. The Notice granted Certificate Holder twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Certificate Holder, Sandy Waggoner, and over the subject matter of this proceeding.
2. That Certificate Holder's conduct is in violation of 678.442 (2) (f); OAR 851-063-0080 (6) OAR 851-063-0090 (2) (h) and (9) (a) and (c); and OAR 851-063-0100 (1), (2) and (11).
3. That Certificate Holder defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the Board being fully advised in the premises, it is hereby:

ORDERED that the Nursing Assistant And Medication Aide Certificates of Sandy Waggoner are Revoked.

DATED this _____ day of January, 2014

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

TO: SANDY WAGGONER:

You may file a petition for reconsideration or rehearing of this Order. Reconsideration or rehearing may be obtained by filing a petition with the Board of Nursing within (sixty) 60 days from the service of this Order. Your petition shall set forth the specific grounds for reconsideration. Reconsideration or rehearing is pursuant to the provisions in ORS 183.482.

As an alternative to filing a Petition for Reconsideration of this Order, you are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition with the Oregon Court of Appeals for review within sixty (60) days from the date of service of this Order. Judicial review is pursuant to the provisions of ORS 183.482.

INCLUDE ONLY IF FOR REVOCATION: If, after a minimum of three (3) years, you wish to reinstate your Nursing Assistant And Medication Aide Certificates, you may submit an application to the Board to request reinstatement.